

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

MOV-ology LLC

Plaintiff,

v.

Temenos AG,  
Temenos U.S.A., Inc.,  
Temenos Cloud Americas, LLC,  
Avoka (USA), Inc., and  
Kony, Inc.,

Defendants.

Civil Action No. 6:23-cv-00391-ADA

**Jury Trial Demanded**

**Court's Scheduling Order**

The Court **GRANTS** the joint motion for entry of scheduling order deadlines (ECF No. 32) and **ORDERS** that the following deadlines will govern the schedule of this case.

Deadline	Item
September 21, 2023	Deadline to file a motion for inter-district transfer. After this deadline, movants must seek leave of Court and show good cause for the delay.
October 19, 2023	Defendants serve preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
November 2, 2023	Parties exchange claim terms for construction.
November 16, 2023	Parties exchange proposed claim constructions.

Deadline	Item
November 22, 2023	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. <sup>8</sup> With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
November 30, 2023	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
December 7, 2023	Defendants file Opening claim construction brief, including any arguments that any claim terms are indefinite.
December 28, 2023	Plaintiff files Responsive claim construction brief.
January 11, 2024	Defendants file Reply claim construction brief.
January 11, 2024	Parties to jointly email the law clerk: <a href="mailto:Txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov">Txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov</a> to confirm their <i>Markman</i> date, and to notify if any venue or jurisdictional motion remain unripe for resolution.
January 25, 2024	Plaintiff files a Sur-Reply claim construction brief.
January 28, 2024	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy. <i>See</i> General Issues Note #7 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
January 29, 2024	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).
February 8, 2024	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.
February 9, 2024	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
March 21, 2024	Deadline to add parties.

Deadline	Item
April 4, 2024	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.
May 30, 2024	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
August 8, 2024	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
September 5, 2024	Close of Fact Discovery.
September 12, 2024	Opening Expert Reports.
October 10, 2024	Rebuttal Expert Reports.
October 31, 2024	Close of Expert Discovery.
November 7, 2024	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
November 14, 2024	Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
November 27, 2024	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
December 2, 2024	Oppositions to dispositive motions and <i>Daubert</i> motions
December 9, 2024	Replies in support of dispositive motions and <i>Daubert</i> motions
December 12, 2024	Serve objections to pretrial disclosures/serve rebuttal disclosures.

Deadline	Item
December 12, 2024	Parties email the Court's law clerk to confirm pretrial and trial dates: <a href="mailto:Txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov">Txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov</a>
December 19, 2024	Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .
December 30, 2024	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i>
January 2, 2025	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a>
January 2, 2025	Deadline to file replies to <i>motions in limine</i>
January 6, 2025	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
January 13, 2025	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
January 16, 2025	Final Pretrial Conference.
February 10, 2025	July Selection/Trial

SIGNED THIS 15th DAY OF September, 2023.

  
 ALAN D ALBRIGHT  
 UNITED STATES DISTRICT JUDGE